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Third Review Conference of the States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction

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Review of the operation and status of the Convention

Draft
Review of the operation and status of the Convention on the prohibition of the use, stockpiling, production and transfer of anti-personnel mines and on their destruction, 2010–2014

Part V

Submitted by the President of the Third Review Conference

Measures to ensure compliance

1. At the close of the Cartagena Summit, there were 59 States Parties that had reported that they had adopted legislation in the context of article 9 obligations and that there were 33 States Parties that had reported that they considered existing national laws to be sufficient to give effect to the Convention. The remaining 64 States Parties had not yet reported having either adopted legislation in the context of article 9 obligations or that they considered existing laws were sufficient to give effect to the Convention.

2. The States Parties had previously acknowledged that the primary responsibility for ensuring compliance rests with each individual State Party and that article 9 of the Convention accordingly requires each State Party to take all appropriate legal, administrative and other measures, including the imposition of penal sanctions, to prevent and suppress prohibited activities by persons or on territory under its jurisdiction or control. With this in mind and with over 40 percent of States Parties not having yet reported on legislative measures to prevent and suppress prohibited activities, at the Cartagena Summit the States Parties expressed the view that it remains an important challenge for the States Parties to act with greater urgency to take necessary legal measures in accordance with Article 9.

3. To overcome challenges concerning the application of article 9 of the Convention, it was agreed at the Cartagena Summit that States Parties that have not developed national implementation measures will, as a matter of urgency, develop and adopt legislative, administrative and other measures in accordance with article 9 to fulfil their obligations under this article and thereby contributing to full compliance with the Convention. It was

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also agreed that all States Parties will share information on implementing legislation and its application through reports made in accordance with article 7 and the Intersessional Work Programme.[1]

4. Since the Cartagena Summit, the following additional States Parties have reported that they have established legislation in accordance with article 9 or that existing laws were sufficient to give effect to the Convention, Bhutan, the Democratic Republic of the Congo, Poland and Qatar. There are now 63 States Parties that have reported that they have adopted legislation in the context of article 9 obligations, and 37 States Parties that had reported that they consider existing national laws to be sufficient to give effect to the Convention. The remaining 61 States Parties have not yet reported having either adopted legislation in the context of article 9 obligations or that they considered existing laws were sufficient to give effect to the Convention. (See annex …).

5. During the June 2011 intersessional work programme, the Co-Chairs of the Standing Committee on the General Status and Operation of the Convention, with the support of the ICRC, sought to assist States Parties in fulfilling their Article 9 obligations. The Co-Chairs used a small-group format to provide an interactive forum for delegations to work together to overcome challenges associated with Article 9 implementation. At this small group session, representatives of Bulgaria, Ireland and Zambia shared their national experiences in establishing legislation or on determining that existing legislation was sufficient. The Co-Chairs noted that States Parties that still must fulfil Article 9 obligations could draw upon experiences such as these.

6. In the Cartagena Action Plan it was agreed that all States Parties will, in case of alleged or known non-compliance with the Convention, work together with the States Parties concern to resolve the matter expeditiously in a manner consistent with Article 8.1.[2] Since the Cartagena Summit, States Parties expressed concern that there have been several allegations of use in recent years, by armed non-State actors in States that are party to the Convention, by States not parties, and even by States Parties, and emphasised the importance of a strong reaction to allegations of non-compliance by all States Parties.

7. Since the Cartagena Summit, the States Parties were informed about an allegation that may relate to compliance with the Convention's prohibitions within the territory of Turkey. In 2010, Turkey indicated that it was investigating this matter and would subsequently inform the States Parties of the outcome of its investigation. Concern was expressed about this allegation, the commitment to investigate was welcomed and a high level of transparency was encouraged. In addition, the President of the Second Review Conference informed the Standing Committee on the General Status and Operation of the Convention that, in keeping with both Cartagena Action Plan commitments and the practices employed by her predecessors, she had engaged those concerned in accordance with article 8.1 on the above mentioned matter.

8. At the June 2011 meeting of the Standing Committee on the General Status and Operation of the Convention, the Co-Chairs recalled that the 10MSP Geneva Progress Report recorded that, in 2010, the States Parties were informed about an allegation that may relate to compliance with the Convention's prohibitions within the territory of Turkey. Turkey reported that a legal process concerning these allegations was continuing and that it would subsequently inform the States Parties of the outcome of this process. At the May 2012 meeting of the Standing Committee on the General Status and Operation of the Convention, Turkey again reported that a legal process concerning these allegations was

[1] Cartagena Action Plan, action #60.
[2] Cartagena Action Plan, action #53.

continuing and that it would subsequently inform the States Parties of the outcome of this process.

9. In 2013, the Co-Chairs of the Standing Committee on the General Status and Operation of the Convention (Bulgaria and New Zealand) wrote to Turkey to thank Turkey for having kept the States Parties informed regarding previous concerns about compliance on its territory and to note that their understanding from recent news reports was that a court verdict had now been rendered with respect to one such concern and that a senior military officer had been convicted in a case that concerns Turkish soldiers killed and injured by mines planted by the Turkish armed forces. Given this development, the Co-Chairs invited Turkey to share this news and related details. The Co-Chairs also suggested that, if it was the case that anti-personnel mines were used by the Turkish armed forces, Turkey may wish to clarify what additional legal, administrative and other steps are being taken to prevent a repetition of any such prohibited activities in the future.

10. Turkey responded to the Co-Chairs' invitation by indicating that further to certain allegations in the Turkish media with regard to an explosion which claimed the lives of soldiers in the Cukurca Province of Turkey in April 2009, an investigation was initiated with the matter subsequently brought before the Turkish General Staff Military Court. Turkey further indicated that on 19 April 2013 the court rendered its verdict and sentenced a Turkish Brigadier General to 6 years and 8 months of imprisonment due to causing death and injury by negligence. Turkey noted that this was the initial verdict of the court of first instance, not the final decision, with the verdict open to an appeal process. Turkey committed to share with the States Parties further developments in due course.

11. Turkey also responded to the Co-Chairs' invitation by indicating that another allegation that had appeared in the press on a possible use of a M2A4 type mine in the Sirnak Province on 9 April 2009 has also been addressed in a careful and in-depth manner. Turkey further indicated that a detailed investigation was undertaken which concluded that that there had not been an explosion and that the registry of Turkish Armed Forces showed that the mine allegedly in question was destroyed before the end of 2009, together with the stockpiled ones. Turkey also added that it is aware of news in the Turkish press regarding an explosion on 1 May 2013 and that it is currently being investigated. Turkey added that, as in other cases, any possible developments will be shared with the ISU and the States Parties in due course.

12. Since the Cartagena Summit, the case of alleged use of anti-personnel mines by armed non-State actors in Sudan was specifically mentioned. With respect to this case, an August 2011 report issued by the Office of the High Commissioner for Human Rights stated that "both the SAF (Sudanese Armed Forces) and the SPLA-N (Sudan People's Liberation Army – North) are reported to have laid anti-personnel mines in strategic areas of Kadugli town", that "the SAF is reported to have mined the Kalimo neighbourhood" and that "the SPLA-N is reported to have laid land mines in areas around the deputy governor's residence." In 2013, the Co-Chairs of the Standing Committee on the General Status and Operation of the Convention (Bulgaria and New Zealand) wrote to Sudan to recall that in 2012 the International Campaign to Ban Landmines had brought to the States Parties' attention allegations of the use of antipersonnel mines in Sudan in 2011 and 2012. The Co-Chairs invited Sudan to share with information on any investigations that have been carried out and on their results and any related legal proceedings. No information was provided.

13. In 2013, the Co-Chairs of the Standing Committee on the General Status and Operation of the Convention (Bulgaria and New Zealand) wrote to both Cambodia and Thailand to express their gratitude for their longstanding commitment to comply with the Convention and to note that they were encouraged that landmine removal was on the agenda of a Cambodia-Thailand Joint Working Group. In this context, the Co-Chairs

invited Cambodia and Thailand to share with other States Parties information on how joint efforts were proceeding to clear mines along their common border.

14. Cambodia, in 2013, responded to the Co-Chairs' invitation, indicating that pursuant to the International Court of Justice's (ICJ) Order for Provisional Measures, dated 18 July 2011 and based on the result of discussion of the Eighth Meeting of the General Border Committee (GBC) in Phnom Penh on 21 December 2011, the Joint Working Group had held three meetings (Bangkok on 3-5 April 2012, Phnom Penh on 26-28 June 2012 and Bangkok on 17-19 December 2012). Cambodia further indicated that the ninth meeting of the General Border Committee (GBC) was held in Bangkok from 15-17 May 2013, that the meeting focused on general cooperation along and across the borders of Cambodia and Thailand, including mine action cooperation, and that the meeting maintained that both sides agreed to encourage Cambodian Mine Action and Victim Assistance Authority (CMAA) and Thai Mine Action Centre (TMAC) as well as relevant authorities of both countries to determine the priority areas along the common border for de-mining cooperation under the framework of the Joint Boundary Commission. Cambodia added regarding the demining in the areas adjacent to PreahVihear temple, that both governments have given an approval to task CMAC and TMAC to jointly conduct de-mining based on a Joint Demining Plan, details of which Cambodia shared with the Standing Committee on the General Status and Operation of the Convention. Cambodia further noted that CMAC and TMAC had planned to meet at the end of June 2013 in Thailand to consolidate a deployment plan. Cambodia subsequently reported that this was delayed until further notice.

15. Thailand welcomed, in particular, the outcomes of the 9th Meeting of the General Border Committee (GBC), chaired by both countries' Defense Ministers and indicated that it is also looking forward to the next meeting between Thailand Mine Action Center (TMAC) and Cambodia Mine Action Centre (CMAC). Thailand expressed the hope that the two countries will work together even more closely in the area of mine action and that this constructive approach will lead to the possibility of joint demining along Thai-Cambodia border in the future.

16. The Co-Chairs of the Standing Committee on the General Status and Operation of the Convention wrote to Yemen to recall that in 2012 the ICBL had brought to the States Parties' attention allegations concerning the emplacement of anti-personnel mines at the Ministry of Industry building in Sana'a in 2011. The Co-Chairs invited Yemen to share information on the possible new use of anti-personnel mines, noting that any new use of anti-personnel mines would be in contravention of one of the main provisions of the Convention – that anti-personnel mines shall not be used under any circumstances. The Co-Chairs also suggested that if such use is confirmed, they would encourage Yemen to share with States Parties efforts Yemen is undertaking to prosecute those involved and to take steps to prevent any additional prohibited activities from being undertaken in Yemen.

17. In 2013, several States Parties expressed deep concern about recent reports on use allegations concerning States Parties of the Convention. Particular concern was expressed with respect to reports of the use of anti-personnel mines in Yemen. Concerning this case, the President of the Twelfth Meeting of the States Parties reported that he had acted on States Parties' obligations under Article 8.1 of the Convention "to work together in a spirit of cooperation to facilitate compliance," meeting with Yemen's delegation and expressing that the response by Yemen should contain the following six aspects: an immediate investigation into the use of anti-personnel mines in the area in question; the identification and prosecution those responsible for deploying anti-personnel mines; the identification of the source of the anti-personnel mines and how these mines were obtained, particularly given that Yemen had long ago reported the destruction of all stocks; the destruction of any additional stocks discovered and the clearance of the mined areas in question as soon as

possible; action, as soon as possible, to prevent and suppress any possible future violation of the Convention; and, all of these matters being undertaken in an extremely timely and transparent matter. Yemen responded to this mater by reaffirming its commitment to full compliance with the Convention and by informing the Standing Committee on the General Status and Operation of the Convention that Yemen will conduct a thorough investigation.

18. The Thirteenth Meeting of the States Parties expressed concern about the allegations of use of anti-personnel mines in different parts of the world and reaffirmed the determination of the States Parties to the Convention to put an end to the suffering and casualties caused by these weapons. With regard to the breach of the Convention in "WadiBaniJarmouz" in Yemen, the Meeting expressed its appreciation of the Government of Yemen's Official Communiqué of 17 November 2013 outlining the seriousness of the situation, Yemen's renewed commitment towards all aspects of the Convention and its commitment to investigate and take necessary action. In this regard, the Meeting warmly welcomed the commitment of Yemen to provide to the States Parties, through the President, an interim report by 31 March 2014, and a final report by 31 December 2014, on (a) the status and outcomes of Yemen's investigation, (b) the identification of those responsible for deploying anti-personnel mines, and subsequent measures taken, (c) information on the source of the anti-personnel mines and how those mines were obtained, particularly given that Yemen had long ago reported the destruction of all stockpiles, (d) the destruction of any additional stocks discovered and the clearance of the mined areas in question, and (e) action to prevent and suppress any possible future prohibited activities undertaken by persons or on territory under its jurisdiction or control.

19. On 29 March 2014, Yemen submitted an interim report with regard to the breach of the Convention in "WadiBaniJarmouz," as requested by the Thirteenth Meeting of the States Parties. This report outlined actions taken by the Government of Yemen since the Thirteenth Meeting of the States Parties, including the recommendation of the Government of Yemen that the Minister of Defence take serious action to investigate with respect to those responsible for emplacing anti-personnel mines in accordance with Yemeni Law No. 25 issues on 19 April 2005 on the ban on the stockpiling, production and use of anti-personnel mines and the establishment of an investigation committee.

20. In 2013, Canada informed the Standing Committee on the General Status and Operation of the Convention that two Canadian citizens were criminally charged in March 2013 on numerous weapons-related offenses, after an illegal arms cache, which included landmines, was found at their private home in Canada. Canada indicated that while it was not able to comment further as the matter was still before the courts, the case demonstrates the effectiveness of the mechanisms which Canada has put in place to prosecute those who breach Convention obligations. Canada committed to report on the outcome of the case at the next meeting under the Convention, as appropriate.

21. Since the Cartagena Summit, the United Nations Office for Disarmament Affairs (UNODA) continued fulfilling the United Nations Secretary General's responsibility to prepare and update a list of names, nationalities and other relevant data of qualified experts designated for fact finding missions authorised in accordance with Article 8.8. Since the Cartagena Summit, the following 27 States Parties provided new or updated information for the list of experts: Albania, Argentina, Belarus, Bulgaria, Colombia, Cyprus, Ecuador, France, Germany, Iraq, Jordan, Latvia, Moldova, the Netherlands, the Philippines, Portugal, Serbia, Senegal, Sweden, Switzerland, Tajikistan, Thailand, the Former Yugoslav Republic of Macedonia, Tunisia, Turkmenistan, Ukraine and Uruguay.

22. At the Cartagena Summit, the States Parties agreed that all States Parties will recognize that when armed non-State actors operate under State Parties' jurisdiction or control, such non-State actors will be held responsible for acts prohibited to States Parties under the Convention, in accordance with national measures taken under Article 9.[3] Since the Cartagena Summit, Colombia again advised the States Parties that armed non-State actors are carrying out acts in contravention of the Convention's prohibitions on Colombian territory.

VIII. Implementation support

Implementation Support Unit

23. At the Cartagena Summit, the increasing appreciation on the part of the States Parties for the work of the ISU was recorded as was the evolution in terms of the support provided by the ISU. The Cartagena Summit also recalled that the States Parties have agreed to assure that, on a voluntary basis, they would provide the resources necessary for the operations of the unit. In addition, the Cartagena Summit highlighted that a challenge for the States Parties remains to ensure the sustainability of funding of the operations of the ISU, through either the existing method or another manner. At the Cartagena Summit, the States Parties also highlighted that without a sustainable means of financing, the ISU will have to drastically reduce its service offerings, which no doubt would adversely affect the implementation process.

24. Also at the Cartagena Summit, the States Parties endorsed a President's Paper on the establishment of an open ended task force with a mandate to develop terms of reference for an evaluation of the Implementation Support Unit. It was agreed that an independent consultant would be hired to execute the evaluation, and, that the evaluation should address issues related to (a) the tasks and responsibilities of the ISU, (b) the financing of the ISU, and, (c) the institutional framework for the ISU.

25. The "ISU Task Force" met for the first time on 10 February 2010 at which time the Task Force agreed on its working methods and terms of reference of an independent consultant, approved the proposal that Mr. Tim Caughley serve as the independent consultant and was presented with cost estimates for the evaluation which totalled US$ 83,000. The ISU Task Force met for a second time on 10 March 2010 at which time the independent consultant presented his work plan and the Chair of the Task Force indicated that she would write to all States Parties to solicit voluntary contributions to cover the costs of the evaluation. On 15 April 2010, the independent consultant delivered his preliminary report to the Task Force and on 2 June 2010, at the Task Force's third meeting, the independent consultant presented this preliminary report. On 21 June 2010, the Chair of the Task Force presented a preliminary status report to the meeting of the Standing Committee on the General Status and Operation of the Convention.

26. On 1 September 2010, the independent consultant delivered his final report to the Task force and on 8 September, at the Task Force's fourth meeting, the independent consultant presented this final report. This final report contained options reflecting "a range of views expressed to the consultant" which the consultant recommended "should be considered against the overall finding that there are high levels of satisfaction with the ISU and with the manner in which its staff carry out their work to support the States Parties in implementing the Convention." Also at the 8 September 2010 meeting, the Task Force received comments on the report presented by the Director of the GICHD, the ICBL, the

[3] Cartagena Action Plan, action #61

ICRC, the United Nations Mine Action Team and the Director of the ISU. In addition at this meeting, the Task Force focused on the options identified in the consultant's final report and on how to take these further in order to arrive at a report and recommendations for the 10MSP. At its fifth meeting on 3 November 2010, the Task Force discussed its final report.

27. The evaluation of the ISU was funded on a voluntary basis with contributions having been provided by Albania, Canada, Germany, New Zealand, and Norway.

28. At the 2010 Tenth Meeting of the States Parties, the States Parties endorsed the final report of the ISU Task Force. In doing so, the States Parties (a) mandated the President, in consultation with the States Parties, to conclude an amended agreement with the GICHD regarding the ISU, (b) adopted the "Directive from the States Parties to the ISU," ensuring that the ISU is directly responsible to the States Parties while it continues to be hosted by the GICHD, and, (c) tasked the President to establish an informal open-ended working group to examine new models for the financing of the ISU and present recommendations and draft decisions on the most feasible comprehensive financing model for adoption by the Eleventh Meeting of the States Parties, so it may be effective from the financial year 2012. In addition, the States Parties endorsed the 10MSP President's Statement on the Endorsement of the ISU Task Force Report.

29. At the 20 June 2011 meeting of the Standing Committee on the General Status and Operation of the Convention, the President reported that on 16 February 2011, he sent to the Director of the GICHD an initial draft amended agreement. The consultations between the President and the Director of the GICHD lasted until 27 April 2011. On the basis of these consultations, the President prepared a revised draft and sent it to the States Parties on 10 May 2011 and subsequently distributed a discussion paper.

30. On 19 May 2011, the President convened an informal meeting to discuss the draft amended agreement. Representatives of 40 States Parties participated in this meeting. In general, the States Parties expressed support for the proposed draft amended agreement, with many considering the proposed draft consistent with both the 10MSP decisions and the President's mandate. Two States Parties asked for finalising the new financing scheme of the ISU, before negotiating the amended agreement with the GICHD. One State Party expressed concerns regarding the proposed draft amended agreement and asked for fundamental changes with most participants expressing their opposition to such fundamental changes.

31. Following the 19 May 2011 informal meeting, the President invited written input and consulted bilaterally with delegations on 14 June and throughout the week of 20 June. On 24 June, the President presented a revised agreement to the meeting of the Standing Committee on the General Status and Operation of the Convention which he indicated was agreeable, in his view, both to States Parties and to the GICHD. The agreement was produced in Arabic, English, French, Russian and Spanish and signed by the 10MSP President and GICHD Director on 6 September 2012.

32. As noted the 10MSP tasked the President to establish an informal open-ended working group to examine new models for the financing of the ISU and present recommendations and draft decisions on the most feasible comprehensive financing model for adoption by the 11MSP, so it may be effective from the financial year 2012. On 8 March 2011, the 10MSP President convened the first meeting of the open-ended working group, recalling that the starting point for its efforts was the Final Report to the Task Force on the Evaluation of the ISU, and the Final Report and Recommendations of the ISU Task Force, endorsed by the 10MSP. The President also recalled that the States Parties have expressed satisfaction with the performance, efficiency, professional competence, responsiveness and dedication of the ISU and that there was general agreement among the

Task Force members on the need to review the financing model of the ISU, in order to make it sustainable and predictable, and to achieve more equitable burden sharing.

33. At the first meeting of the open-ended working group, most States Parties emphasised that the current funding model of the ISU was not adequate and expressed their readiness to explore other options, aiming at identifying the financing model that may best ensure the continuity of activities, sustainability and predictability of funding for the ISU's activities, as well as provide better burden sharing among the States Parties. Some States Parties asked either for more time, or for more information, in order to be better prepared to continue this discussion. Two States Parties expressed satisfaction with the existing voluntary funding scheme. Arguments were made in the favour of covering the ISU budget on a mixed model of a properly adjusted assessed scheme, with voluntary, and with in-kind contributions. A summary of the discussions of the meeting was distributed to all States Parties and made available on the Convention's website.

34. On 28-29 March 2011, the 10MSP President held a number of bilateral and small group consultations with States Parties regarding the ISU funding model. His main conclusion was that, while there is a degree of diversity as well as divergence of States Parties' positions, there is a large degree of flexibility on the part of a number of State Parties with regard to a future financing scheme for the ISU. On 11 May 2011, the 10MSP President distributed to all States Parties a paper that served as the basis for discussions at the second meeting of the open-ended working group on 19 May 2011. Representatives of States Parties participated in this meeting. At this meeting, the ISU Director provided additional information on the cost structure of the ISU and of other conventions' support mechanisms (BWC, CCW), a description of the financing of the different ISU activities, under the present funding scheme, and, an overview of ISU's tasks related to Meetings of the States Parties, Review Conferences and the intersessional work programme.

35. 20 June 2011, the 10MSP President reported on his efforts regarding the ISU funding model to the meeting of the Standing Committee on the General Status and Operation of the Convention. He concluded that while there was a diversity of views regarding a financing model for the ISU, there was broad agreement regarding the value of a well-functioning ISU and on the need to ensure it continued to deliver its high quality services to the States Parties. The 10MSP President expressed that the financing of the ISU's activities through a predictable, sustainable and equitable burden sharing funding model is of paramount importance and that he intended to continue consultations in order to reach agreement on the basic principles and elements for the most appropriate funding model. On 3 November 2011, the last meeting of the open-ended working group took place. At the 11MSP, the 10MSP President presented an oral report on the work of the working group. The 11MSP took note of this report and encouraged action on the recommendations made by the 10MSP President to preserve the results of the work undertaken by the working group in 2011, to work to improve the present funding model and to ensure sufficient contributions are provided to the ISU as long as the financing model remains unchanged.

36. At the Cartagena Summit, the States Parties agreed that those in a position to do so would provide necessary financial resources for the effective operation of the Implementation Support Unit.[5] A record of the contributions received by the ISU in support of its annual work plans can be found in annex ....

37. The "Directive from the States Parties to the ISU", adopted at the 10MSP, states that "the ISU Director will provide the States Parties with annual financial and activity reports".

[5] Cartagena Action Plan, action #67

that the ISU shall "report in written form as well as orally on the activities, functioning and finances of the ISU to each Meeting of the States Parties or Review Conference, and to informal meetings under the Convention as appropriate," and that "an audited annual financial report for the previous year and a preliminary annual financial report for the present year shall be submitted by the ISU to the Coordinating Committee and subsequently to each Meeting of the States Parties or Review Conferences for approval." The ISU consistently complied with these reporting requirements, with the reports in question made available to all interested parties on the Convention's website.

Meetings of the States Parties

38. Article 11 of the Convention states that "the States Parties shall meet regularly in order to consider any matter with regard to the application or implementation of this Convention (…)" and that Meetings of the States Parties subsequent to the First Meeting of the States Parties will be convened annually until the First Review Conference. At the Cartagena Summit, the States Parties agreed to hold annually, until the Third Review Conference, a Meeting of the States Parties. The Tenth Meeting of the States Parties was held in Geneva from 29 November to 3 December 2010 and presided over by H.E. GazmendTurdiu, Secretary General of the Ministry of Foreign Affairs of the Republic of Albania. The Eleventh Meeting of the States Parties was held in Phnom Penh from 28 November to 2 December 2011 and presided over by H.E. PrakSokhonn, Minister Attached to the Prime Minister and Vice-President of the Cambodian Mine Action and Victim Assistance Authority. The Twelfth Meeting of the States Parties was held in Geneva from 3 to 7 December 2012 and presided over by H.E. Ambassador MatjažKovačič , Permanent Representative of Slovenia to the United Nations Office at Geneva. The Thirteenth Meeting of the States Parties was held in Geneva from 2 to 5 December 2013 and presided over by H.E. BoudjemâaDelmi, Permanent Representative of Algeria to the United Nations Office at Geneva.

39. Since the Cartagena Summit, the States Parties have continued to make use of their Meetings of the States Parties as mechanisms to advance implementation of the Convention. At each Meeting, the States Parties considered an annual progress report prepared by the Meeting's President. These reports measured progress made in the pursuit of the States Parties core aims since the preceding Meeting of the States Parties, supported the application of the Cartagena Action Plan and highlighted priority areas of work for the States Parties, the Co- Chairs and the presidency in the periods between Meetings of the States Parties. In addition, programmes for the Meetings of the States Parties provided an opportunity for States Parties implementing key provisions of the Convention to provide updates in fulfilling their obligations. As well, at various Meetings of the States Parties, as noted elsewhere in this review, the States Parties took decisions to enhance the effort to implement and ensure compliance with the Convention.

Intersessional Work Programme

40. At the Cartagena Summit, the States Parties recorded that the Intersessional Work Programme had continued to provide a valuable forum for the informal exchange of information, thus complementing the official exchange of information under Article 7. The States Parties also remarked that, while the Intersessional Work Programme had continued to play an important role in supporting implementation of the Convention, there had been no thorough assessment of the Intersessional Work Programme since 2002. In this context, at the Cartagena Summit the States Parties agreed to call upon the Coordinating Committee to review the operation and status of Intersessional Work Programme, with the Chair of the Coordinating Committee consulting widely on this matter and, if necessary, recommendations to the 10MSP.

41. The Coordinating Committee assessed the Intersessional Work Programme to some degree at each of its meetings in 2010. At the 25 June 2010 meeting of the Standing Committee on the General Status and Operation of the Convention and at the 7 September 2010 informal meeting convened to prepare for the 10MSP, the Chair of the Coordinating Committee provided updates on this assessment. It was concluded that the States Parties consider that the Intersessional Work Programme has functioned well since it was last reviewed in 2002. It was noted that the 2002 recalibration of the Intersessional Work Programme had succeeded in providing the space for States Parties in the process of fulfilling key obligations to share their problems, plans, progress and priorities for assistance and, consequently, in provide greater clarity on and more precise knowledge of the status of the implementation of the Convention. It was also concluded that the principles on which it was founded in 1999 continue to be important. That have contributed to an effective work programme to date – namely coherence, flexibility, partnership informality, continuity and effective preparation – remain valid as do additional principles, namely, transparency and inclusion.

42. While it was concluded that there is general satisfaction with the operation of the Intersessional Work programme, it was also noted that the implementation process has evolved in recent years. Given this evolution, the Coordinating Committee sought to develop recommendations for consideration by the 10MSP that would relate to: (a) the importance of continuing to addressing pressing implementation concerns in an effective manner; (b) the strong desire expressed by States Parties that a more intensive focus be placed on international cooperation and assistance; (c) the value of providing space to explore new ways to carry out intersessional work; and, (d) the potential of maximising synergy between related instruments. In developing recommendations, the Coordinating Committee considered the heavy burden associated with being a Co-Chair or Co-Rapporteur and hence member of both the Coordinating Committee and Article 5 analysing group, and, the proliferation of demands on States to assume roles of responsibility related to conventional weapons more generally.

43. At the 10MSP, the States Parties warmly welcomed the Review of the Intersessional Work Programme, presented by the President of the Second Review Conference on behalf of the Coordinating Committee and, expressed appreciation for the proposal to establish a new Standing Committee, proposed by Zambia. In this context, the 10MSP took the following action:

(a) The 10MSP reaffirmed the ongoing importance of the principles that have been central to the success of the Intersessional Work Programme to date, namely: coherence, flexibility, partnership, informality, continuity, effective preparation, transparency and inclusion;

(b) As noted, the 10MSP established a Standing Committee on Resources, Cooperation and Assistance;

(c) The 10MSP agreed to examine the possibility of rationalising the number of States Parties in leadership positions on Standing Committees, and, in this regard, requested that the President, on behalf of the Coordinating Committee, submit to the June 2011 meeting of the Standing Committee on the General Status and Operation of the Convention, ideas regarding how many Co-Chairs/Co-Rapporteurs may be required to ensure the effective functioning of the mechanisms established by the States Parties, with a view to a decision to be taken on this matter at the Eleventh Meeting of the States Parties;

(d) The 10MSP requested the Coordinating Committee to organise the week of meetings of the Standing Committees in 2011 in such a way that time is allocated for Co-Chairs, individual States Parties and others to experiment with the new ways of using the Intersessional Work Programme to more intensively focus on national contexts or to

otherwise creatively support progress in the application of the Cartagena Action Plan. The Meeting further agreed that, on the basis of experimentation carried out during various Intersessional Work Programmes, the States Parties should keep an open mind regarding the structure of the week of meetings of the Standing Committees to ensure the ongoing effectiveness of the Intersessional Work Programme;

(e) The 10MSP acknowledged the ongoing importance of a Standing Committee on Stockpile Destruction as long as profound challenges remain in the implementation of article 4;

(f) The 10MSP noted that States Parties, and in particular States Parties that are party to more than one related instrument, should pursue coherence in the scheduling of meetings of relevant instruments, particularly those meetings that deal with the clearance of explosive hazards and assistance to the victims of conventional weapons, and, that the States Parties should regularly evaluate the potential for synergy in the work of various related instruments, while acknowledging the distinct legal obligations of each.

44. Further to the 10MSP decisions to examine the possibility of rationalizing the number of States Parties in leadership positions on Standing Committees and to request the President to submit ideas to achieve this aim, at the 24 June 2011 meeting of the Standing Committee on the General Status and Operation of the Convention, the 10MSP President presented a proposal on rationalizing the number of States Parties in leadership positions on Standing Committees. This proposal pointed to a reduction in the number of States Parties leading each Standing Committee to be reduced from four to two, with this reduction taking place over the course of two years. The Co-Chairs of the Standing Committee on the General Status and Operation of the Convention concluded that there was general support for this proposal and it was approved by the 11MSP.

45. As noted, the 10MSP requested the Coordinating Committee to organise the week of meetings of the Standing Committees in 2011 in such a way that time is allocated for Co-Chairs, individual States Parties and others to experiment with new ways of using the intersessional work programme to more intensively focus on national contexts or to otherwise creatively support progress in the application of the Cartagena Action Plan. Further to this decision, the Coordinating Committee agreed that two 1.5 hour sessions on 23 June 2011 would be scheduled for interested Co-Chairs to organise activities to more intensively focus on national contexts or to otherwise creatively support progress in the application of the Cartagena Action Plan. The Coordinating Committee also agreed that these experimental sessions should be based on certain key principles, including: that participation would be on a voluntary basis, particularly as concerns States Parties that would be the subject of a national focus; that the overarching purpose of each session would be to seek cooperative means to support implementation; and, that there would be no report produced attributing views to any participant or revealing participants' affiliations.

46. The decisions of the Coordinating Committee regarding the 2011 intersessional work programme experimentation led to the Co-Chairs of the Standing Committee on Mine Clearance convening two sessions to discuss in more detail the challenges faced by two States Parties in implementing the plans and fulfilling the commitments made in their Article 5 extension requests, the Co-Chairs of the Standing Committee on Victim Assistance convening two sessions to discuss in more detail the experiences of two States Parties in applying the victim assistance aspects of the Cartagena Action Plan, and the Co-Chairs of the Standing Committee on the General Status and Operation of the Convention convening one session to assist States Parties in fulfilling their obligations to take appropriate legislative, administrative and other measures in accordance with Article 9 of the Convention. In assessing this experimentation, the Coordinating Committee in 2011 expressed general satisfaction, noting that the vast majority of delegates that attended the experimental sessions indicated that these sessions indeed resulted in cooperative

discussions on how a variety of actors could assist one another in overcoming implementation challenges. There was general agreement that there would be benefit in continuing with experimental sessions. In addition, the Coordinating Committee noted that experimental sessions could be improved in the future, including by aiming for increased interactivity and greater avenues for participation by mine-affected States Parties.

47. In 2012, the Co-Chairs of the Standing Committee on Mine Clearance convened two small group sessions to discuss in more detail the challenges faced by two States Parties in implementing the plans and fulfilling the commitments made in their Article 5 extension requests; the Co-Chairs of the Standing Committee on Victim Assistance convened two sessions to discuss in more detail the experiences of two States Parties in applying the victim assistance aspects of the Cartagena Action Plan; and, as noted, the Co- Chairs of the Standing Committee on Resources, Cooperation and Assistance convened one session to discuss the idea of establishing a platform for partnerships to better enable States Parties to exchange information on available assistance, particularly non-financial assistance.

48. In assessing the efforts of Co-Chairs in 2012 to explore different ways of using the Intersessional Work Programme to more intensively focus on national contexts or to otherwise creatively support progress in the application of the Cartagena Action Plan, the Coordinating Committee noted that participants who provided feedback expressed mixed views, with both benefits to the format (e.g., greater scope for informal participation, more interactivity) and drawbacks (e.g., parallel sessions pose difficulties for small delegations, lack of interpretation) mentioned. It was noted that the feedback provided would be useful for the Coordinating Committee in 2013 to determine whether small group discussions should again be used.

49. In 2013, with a view to constantly ensuring that the work of the Convention could be undertaken in the most efficient manner possible, the Coordinating Committee organised the Intersessional Work Programme in such a way the meetings of the Standing Committees were contained within four working days the week of 27 May 2013. Also in 2013, at the 30 May meeting of the Standing Committee on the General Status and Operation of the Convention, the Co-Chairs concluded that there was strong support for the Coordinating Committees of the Anti-Personnel Mine Ban Convention and the Convention on Cluster Munitions to aim to schedule the intersessional meetings of each Convention during the same week in 2014. In addition, it was understood that the short period of time between the 13MSP and the Third Review Conference meant that less intersessional work would need to be carried out in 2014 than in previous years. On this basis, the 13MSP agreed that intersessional work in 2014 would take place for a period of no more than one-and-a-half days during the same week as intersessional meetings of the Convention on Cluster Munitions.

50. Since the Cartagena Summit, the GICD continued to host, and Switzerland continued to provide financial support, through the GICHD for, the meetings of the Standing Committees, thus ensuring that there was no cost to the States Parties associated with the organization of intersessional meetings.

Coordinating Committee

51. At the Cartagena Summit, the States Parties agreed to support the efforts of the President and Coordinating to ensure effective preparations and conduct of meetings of the Convention.[7] Each year since the Cartagena Summit, the Coordinating Committee met up to eight times each year fulfil its mandate to coordinate matters relating to and flowing from

[7] Cartagena Action Plan, action #63.

the work of the Standing Committees with the work of the Convention's formal meetings. Throughout this period, the Coordinating Committee maintained its historic practice of involving, in its work, the ICBL, the ICRC, the United Nations as represented by the United Nations Office for Disarmament Affairs, the GICHD, the President-Designate and the Coordinators of the informal Sponsorship Programme and Contact Groups. Summaries of these meetings were made available to all interested actors on the Convention's web site.

Sponsorship Programme

52. At the Cartagena Summit, the States Parties agreed that those in a position to do so would contribute to the Sponsorship Programme thereby permitting widespread representation at meetings of the Convention, particularly by mine-affected developing States Parties.[7] Since the Cartagena Summit, the Sponsorship Programme, which since the Cartagena Summit was coordinated by Australia, continued to support such representation in the Convention's meetings. In addition, the Sponsorship Programme helped enable States Parties live up to the commitment they made at the Cartagena Summit to ensure the ensure the continued involvement and effective contribution in all relevant Convention related activities by health, rehabilitation, social services, education, employment, gender and disability rights experts.[8]

53. During each year from 2010 to 2012, the informal Sponsorship Programme supported the participation of an average of 47 delegates representing an average of 31 States at each set of intersessional meetings or to each Meeting of the States Parties. In 2013, voluntary contributions to the Sponsorship Programme declined and the programme supported the participation of lower numbers of delegates and States than had been the case in the past, with 19 delegates representing 19 States Parties sponsored to participate in the 2013 intersessional meetings and 28 delegates representing 21 States Parties sponsored to participate in the Thirteenth Meeting of the States Parties.

54. In 2014, the Sponsorship Programme supported the participation of 11 delegates representing 11 States Parties at the Convention's intersessional meetings. In keeping with the commitment made by the States Parties at the Cartagena Summit to make use of synergies with other relevant instruments of international humanitarian and human rights law, some sponsorship costs in April 2014 were shared sponsorship programmes related to the Convention on Certain Conventional Weapons, the Convention on Cluster Munitions and the United Nations Mine Action Programme Directors Meeting. Also in 2014, diminished funding meant that the Sponsorship Programme Donors' Group was in a position to invite 29 delegates representing 24 States Parties to request sponsorship or the Third Review Conference, in contrast to 131 representing 109 States which were invited to request sponsorship to the Cartagena Summit. A list of the number of beneficiaries of the Sponsorship since the Second Review Conference can be found in annex ….

Participation of other actors

55. The States Parties, in keeping with their Cartagena Summit commitment, continued to recognise and further encourage the full participation in and contribution to the implementation of the Convention by the ICBL, ICRC, national Red Cross and Red Crescent Societies and their International Federation, the UN, the GICHD, international and regional organisations, mine survivors and their organisations, and other civil society organisations.[9] The States Parties again benefited greatly from the

[7] Cartagena Action Plan, action #67
[8] Cartagena Action Plan, action #29
[9] Cartagena Action Plan, action #62

sense of partnership that exists on the part of the wide range of actors that have committed to working together to ensure the full and effective implementation of the Convention.